

Assembly Bill No. 490

Passed the Assembly June 14, 2013

Chief Clerk of the Assembly

Passed the Senate June 10, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to repeal and add Section 6452 of the Probate Code, relating to intestate succession.

LEGISLATIVE COUNSEL'S DIGEST

AB 490, Skinner. Intestate succession: children.

Existing law provides that the estate of a decedent not effectively disposed of by a will passes to the decedent's heirs as prescribed by law. Existing law prohibits, for a child born out of wedlock, a natural parent or a relative of that parent from inheriting from or through the child on the basis of the parent and child relationship unless the parent or a relative of the parent acknowledged the child and the parent or a relative of the parent contributed to the support or the care of the child.

This bill would revise and recast the provisions regarding inheritance of a parent from or through a child on the basis of the parent and child relationship. The bill would provide that a parent does not inherit from or through a child if the parent's parental rights were terminated and the parent-child relationship was not judicially reestablished, the parent did not acknowledge the child, or the parent left the child during the child's minority without an effort to provide for the child's support or without communication from the parent, as specified. The bill would provide that a parent who does not inherit from or through a child, pursuant to the bill's provisions, would be deemed to have predeceased the child and the intestate estate would pass as otherwise required under specified existing law of intestate succession.

The people of the State of California do enact as follows:

SECTION 1. Section 6452 of the Probate Code is repealed.

SEC. 2. Section 6452 is added to the Probate Code, to read:

6452. (a) A parent does not inherit from or through a child on the basis of the parent and child relationship if any of the following apply:

(1) The parent's parental rights were terminated and the parent-child relationship was not judicially reestablished.

(2) The parent did not acknowledge the child.

(3) The parent left the child during the child's minority without an effort to provide for the child's support or without communication from the parent, for at least seven consecutive years that continued until the end of the child's minority, with the intent on the part of the parent to abandon the child. The failure to provide support or to communicate for the prescribed period is presumptive evidence of an intent to abandon.

(b) A parent who does not inherit from or through the child as provided in subdivision (a) shall be deemed to have predeceased the child, and the intestate estate shall pass as otherwise required under Section 6402.

Approved _____, 2013

Governor